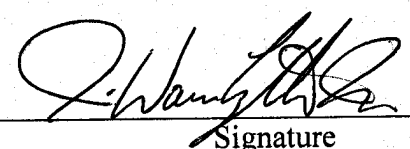


<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number <b>Q77532</b>	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/671,547	September 29, 2003	
	First Named Inventor		
	Hidehiko KAMEYAMA		
	Art Unit	Examiner	
	2617	Gary AU	
WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons stated on the attached sheets. Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>39,283</u></p> <p> Signature</p> <p><u>J. Warren Lytle, Jr.</u> Typed or printed name</p> <p><u>(202) 293-7060</u> Telephone number</p> <p><u>August 13, 2007</u> Date</p>			

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q77532

Hidehiko KAMEYAMA

Appln. No.: 10/671,547

Group Art Unit: 2617

Confirmation No.: 6222

Examiner: Gary AU

Filed: September 29, 2003

For: CELLULAR TELEPHONE SET AND CHARACTER DISPLAY PRESENTATION  
METHOD TO BE USED IN THE SAME

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated February 14, 2007 and Advisory Action dated July 9, 2007, Applicants file this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicants note that in the Amendment under 37 C.F.R. § 1.116 filed on May 9, 2007, claims 1-7, 12-18, 23, and 25 were canceled without prejudice or disclaimer. Claim 8 was amended merely to correct a minor informality. Since the amendment did not raise any new issues, Applicants requested the Examiner to enter the amendment.

However, in the Advisory Action, it was indicated that the amendment will not be entered without specifying any reason. In a telephone conversation with Examiner Au on August 2, 2007, the Examiner indicated that the amendment will be entered upon filing of this pre-appeal brief. As such, Applicants respectfully request the Examiner to enter the amendment.

Upon entry of the amendment, claims 8-11, 19-22 and 24 will be all of the claims pending in this application. Applicant turns now to the rejections at issue:

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-3, 5, 8, 10, 12-14, 16 19, 21, 23, 24 and 25 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6, 865, 386 to Aoyama *et al* ("Aoyama"). For *at least* the following reasons, Applicants respectfully traverse the rejection.

As an initial matter, since claims 1-3, 5, 12-14, 16, 23 and 25 have been canceled as noted above, the rejection of these claims is rendered moot.

Applicants respectfully submit claim 8 is patentable over Aoyama. For example, claim 8 recites a cellular telephone set comprising, *inter alia*, character presentation means for controlling animation display of a character upon occurrence of an event on the set depending upon an occurrence timing of a predetermined operation relating to said event. In the Final Office Action, the Examiner cites column 6, lines 27-33 of Aoyama for allegedly disclosing this feature (*see* Office Action: page 3). However, nowhere in the Aoyama reference, including the cited portions of Aoyama, is the above-noted feature of claim 8 disclosed in as complete detail as set forth in the claim.

Aoyama is directed to a communication terminal with a control unit to display record information and an image or a sequence of images based on personal data of a communications partner. The displayed image/images include an image related to the communications partner that was previously stored in memory 6 by a user of the communication terminal (*see* Aoyama: Abstract, col. 5, lines 43-53, col. 9, lines 57-61). In column 5, Aoyama describes operations by which a user, during the initial setting of the phone, registers their own personal data or that of a

communications counterpart, and also selects a character to be displayed during the display of animation scenes (Aoyama, col. 5, lines 43-67).

Aoyama states that when a communications counterpart, who has been previously registered on the communication terminal by the user, transmits a mail message to the user, the control unit 4 of the cell phone set displays a comment based on the personal data and communication conditions corresponding to the communication counterpart (col. 6, lines 47-56). Cols. 11-12, lines 47-7 of Aoyama describe these operations in detail. In particular, the control unit 4 uses the date and time indicated by the calendar function of the cell phone set to obtain the communication record history with the subject communication partner. Therefore, there is no disclosure in Aoyama of the control unit 4 displaying comments or images depending on an occurrence timing of a predetermined operation related to an event as recited in claim 1.

In the Advisory Action, the Examiner alleges that “displaying the scene of the character and the comment selected by the user based on the communication record...[when] receiving or transmitting an item” corresponds to the claimed controlling of animation display of a character upon occurrence of an event on the set depending upon an occurrence timing of a predetermined operation relating to said event. Applicants respectfully submit that the Examiner is misinterpreting the teachings of Aoyama.

For instance, the Examiner asserts that the receiving and transmitting an item is the event as set forth in claim 1. However, as submitted above, in Aoyama, the comments displayed by the cell phone set are dependent on communication history with the subject communication counterpart, and not on an occurrence timing of a predetermined operation related to the sending or receiving of a message. That is, there is no predetermined operation related to the sending or receiving of a message in Aoyama, upon which the displaying of comments or images depends, much less depending on an occurrence timing of the predetermined operation.

Even assuming *arguendo* that displaying the incoming or outgoing message itself is the claimed predetermined operation relating to an event, Aoyama, in this case, does not disclose that the images or comments displayed with the message are *based on the time of occurrence of displaying the message*. They are only based on the communication history with the subject communication counterpart.

In light of the above discussion, Applicants respectfully submit that Aoyama does not disclose each and every feature of claim 8 in as complete detail as set forth in the claim. As such, Applicants request the Examiner to withdraw the 35 U.S.C. § 102(e) rejection.

Since claim 10 is dependent upon claim 8, Applicants respectfully submit claim 10 is patentable *at least* by virtue of its dependency.

Claim 19 recites a character display presentation method comprising, *inter alia*, responsive to an occurrence of an event on a cellular telephone set, controlling animation display of a character depending upon *an occurrence timing of a predetermined operation relating to said event*. Applicants respectfully submit claim 19 is patentable for *at least* reasons analogous to those given above with respect to claim 8.

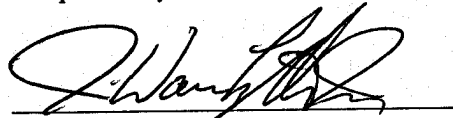
Since claim 21 is dependent upon claim 19, Applicants respectfully submit claim 21 is patentable *at least* by virtue of its dependency.

Claim 24 recites a storage medium storing a program to cause a computer to implement functions of a character display presentation method, said functions comprising, *inter alia*, operating a computer for executing a process responsive to occurrence of an event on the set, of controlling animation display of said character depending upon *an occurrence timing of a predetermined operation relating to said event*. Applicants respectfully submit claim 24 is patentable for *at least* reasons analogous to those given above with respect to claim 8.

***Conclusion***

In view of the above, Applicants submit that the rejections are improper and that the application is in condition for allowance. Also, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 13, 2007